

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 02-12062-RWZ

BOSTON GAS COMPANY
d/b/a KEYSPAN ENERGY DELIVERY NEW ENGLAND

v.

CENTURY INDEMNITY COMPANY

v.

ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED, et al.

AMENDED ORDER RESULTING FROM IN CAMERA
INSPECTION OF WITHHELD DOCUMENTS

August 31, 2005

ZOBEL, D.J.

Defendant Century Indemnity Company objects to redactions in documents produced by the plaintiff Boston Gas Company and the failure to produce certain documents at all. The plaintiff has similar objections to the production of the third-party defendant Certain Underwriters of Lloyd's London. The parties claim justification for the failure to produce and the redactions on grounds of attorney/client and work product privilege, relevance, and that they pertain to fees and reserves.

Following a review of the submitted documents, a sample chosen by the parties, I find that the redactions made by the London defendants are proper and fit within the descriptions in their privilege log.

With respect to documents withheld by Boston Gas Company, the documents at

the following tabs are privileged:

Tabs 8 - 12

Tabs 13 and 14.

Tabs 15 A and 15 B as to the commentary. The Court accepts the representation that the remainder of these documents have been produced.

Tab 16 - Although the document does not identify the creator of the compilation, I accept the representation that it was made by counsel.

Tabs 17, 18, 19, 21, 22, 23, 25, 26, 27.

The documents at Tabs 1-3 have been produced, according to counsel. Accordingly, I do not rule on them.

The documents at Tabs 4 - 7 pertain exclusively to NEES sites. I do not know how to verify this representation, but accept counsel's statement. Accordingly, these documents are not relevant to this proceeding and need not be produced.

The documents at Tab 20 are said to be attorney work product. They are environmental consultant proposals. Although they may have been produced in response to property owners' demands, they appear to be several steps removed from any attorney work. Accordingly, they are not privileged and shall be produced.

The parties have resolved their differences as to the documents at Tabs 24 A and 24 B.

/s/ Rya W. Zobel

DATE

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE